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9 Associates

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 PALO MOBILE ESTATES ASSOCIATES,  
13 a California limited partnership,

14 Plaintiff,

15 vs.

16 CITY OF EAST PALO ALTO, a municipal  
17 corporation; DOES 1 through 10, inclusive,

18 Defendants.  
19

CASE NO: C 07-03601 PJH

STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER

Superior Court Action Filed: June 12, 2007  
Removed to Federal Court: July 12, 2007  
Trial Date: None Set

1 WHEREAS, the Court has stayed this matter at the request of both parties pending the  
2 outcome of the concurrent petition for a writ of mandate in the San Mateo County Superior Court  
3 (“Case No. CIV 467731”);

4 WHEREAS, whereas Case No. CIV 467731 sought a writ compelling the City of East Palo  
5 Alto (“City”) to vacate Ordinance No. 305, which imposed certain conditions on mobilehome park  
6 conversions from rental-only facilities to resident ownership pursuant to Government Code section  
7 66427.5 within the City;

8 WHEREAS, the San Mateo County Superior Court entered a writ in Case No. CIV 467731  
9 on June 24, 2008 (“Writ”);

10 WHEREAS, this action seeks damages related to the City’s adoption of Ordinance No. 305  
11 and its effect on plaintiff Palo Mobile Estates Associates’ (“PME”) application to convert its  
12 mobilehome park from a rental-only facility to resident ownership pursuant to Government Code  
13 section 66427.5 (“Application”);

14 WHEREAS, this Court continued the Case Management Conference set for September 3,  
15 2009 to March 4, 2010 to allow the parties to receive a final determination on PME’s Application,  
16 as the City’s decision on PME’s Application could drastically affect the scope of this action;

17 WHEREAS, final approval on the Application first requires the City’s approval of PME’s  
18 tentative tract map, followed by the City’s approval of PME’s final map;

19 WHEREAS, on January 27, 2009, the City, through its City Council, voted to approve  
20 PME’s tentative tract map;

21 WHEREAS, the City, through its City Council, has not yet approved PME’s final map but  
22 is expected to do so by the end of March 2010, thereby conferring final approval on the  
23 Application;

24 WHEREAS, PME may dismiss this action pending approval of the final map.

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1 ACCORDINGLY, IT IS HEREBY STIPULATED by PME and the City, by and through  
2 their respective counsel, that:

3 This Court continue the stay in this action and continue the Case Management Conference  
4 to June 3, 2010.

5  
6 DATED: February 23, 2010

GILCHRIST & RUTTER  
Professional Corporation

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8  
9 By: /s/ Thomas W. Casparian  
Thomas W. Casparian  
Attorneys for Plaintiff  
Palo Mobile Estates Associates

10  
11  
12 DATED: February 23, 2010

JARVIS, FAY, DOPORTO & GIBSON, LLP

13  
14 By: /s/ Benjamin P. Fay  
Benjamin P. Fay  
Attorneys for Defendant  
CITY OF EAST PALO ALTO

15  
16  
17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20 DATED: 3/1/10

